



Making A Difference

7th Annual Indiana GAL/CASA State Conference Referred To As “The Best One Yet!”

After reading through hundreds of conference evaluations following this year's annual event, the consensus was that this was the “best one yet” by many conference attendees. The theme of our conference this year was “Lighting The Way in the Life of A Child”. The Downtown Marriott in Indianapolis was filled with over 400 volunteers, family case managers, foster parents, GAL/CASA staff and exhibitors from across the state. The 2003 conference was the largest so far in the history of the event, which has been sponsored by the State Office of GAL/CASA since 1997. Topics such as transitioning children, adolescent adoptions, sub-

stance abuse, independent living, family law, report writing, understanding poverty, decision making for advocates, permanency and termination of parental rights and collaboration between agencies were offered during the day-long event on September 13, 2003. Panels offered insight on topics such as what judges look for from advocates, opinions of children in the foster care setting, cultural diversity and understanding what leads adults to take sexual advantage of children were also offered. Many commented that, “this felt like being at the National CASA Conference”! Well, we are no where near that level yet, but things really did take a

turn for the “much improved” in moving the conference to the Marriott. Although we have had six wonderful conferences at the Government Center, we have simply outgrown that facility. Fortunately, that is a problem that we are more than happy to deal with! Some of the advantages to moving the Conference this year were that participants enjoyed larger breakout rooms and were treated to a wonderful catered lunch with all the pampering that our child advocates, social workers and foster parents deserve! We are already making plans for next year's conference which is scheduled for Saturday, November 20, 2004.

State Director Leslie Rogers Will Speak at the 2004 National CASA Conference

That's right! Our very own State Director Leslie Rogers will be among the workshop presenters at the 2004 National CASA Conference in Washington, D.C. Leslie will be presenting along with Becky Smith who is the

State Director from Oregon about collaboration between the CASA and the Division of Families and Children. She has given this presentation regionally and at our own state conference as well. The presentation is so

vitaly important to our cases and obtaining permanency as quickly as possible for children. Congratulations, Leslie!



Inside this issue:

County CASA Comer	2-5
2003 Volunteer and Board Member of the Year	2
A CASA Success Story	3
Art Auction Benefits Lake County CASA	4
HIPAA Hysteria	6-7
Round Two of the Self-Assessment Rollout	8

**Some succeed
because they are
destined to, but most
succeed because they
want to.**

—Unknown

CASA of South Central Indiana Completes Playhouse Project and Partners With Kohl's

By Kathleen Sheehy

CASA of South Central Indiana just finished its annual *CASA for Kids* Playhouse Project by raffling off two playhouses at the Columbus Ethnic Expo. Over 10,000 raffle tickets were sold since April, and approximate profit from this fundraiser will be over \$22,000. This year's houses were both built by high school students. The "Log Cabin" was designed and built by David Bush as his senior project at Columbus East High School, and the "Cottage" was designed and built by Jennings County High School students. We are grateful for the support of our primary sponsors: the Joliet-Crider Reachout Fund, Irwin Union Bank and Fifth Third Bank. We also appreciate our other sponsors and all of the individuals who gave of their time for this project.

Kohl's Grand Opening

Kohl's Department Stores opened a new store in Columbus in October. They gave all of the not-for-profits in the community the opportunity to raise money for their organization by volunteering to bag merchandise during the 4 day grand opening. CASA was early in line to sign up spots! We provided volunteers and the store paid the organization \$6.50 per hour for their help. We eased the crunch at their cash registers as they coped with large crowds, and Kohl's gave back to the community. It was a win-win situation for everyone!

Dearborn/Ohio County's Keith and Jill Rhodes Named 2003 Advocates of the Year

Dr. and Mrs. Keith and Jill Rhodes were named the 2003 Indiana Child Advocates of the Year during the awards luncheon at the 2003 Indiana GAL/CASA Conference on Saturday, September 13, 2003. The Rhodes' work as a team in the quest to advocate for children involved in the Dearborn/Ohio County Court system. Nominated by county Director Laurie Patton, the two were chosen by a panel comprised of judicial officers who serve on the Indiana GAL/CASA Advisory Commission. The judges agree that choosing just one nominee from the many we receive is a daunting task. All the advocates who are nominated give 110% to the children assigned to them by their local programs. The Rhodes', however, stood out for their relentless effort in advocating for children and for promoting CASA in their community. We extend our congratulations to them, and wish them luck as they now compete for the National Child Advocate of the Year award!

Becky Wann Of Monroe County CASA Proclaimed as 2003 Board Member of the Year

Monroe County CASA Program was named Becky Wann, Board member for the 2003 Board Member of the Year at this year's conference. Becky was nominated by Program Director Jill Jolliff, and was also chosen by a panel comprised of judicial officers who serve on the Supreme Court GAL/CASA Advisory Commission. Becky spearheaded many creative and innovative ways to promote CASA in the community of Bloomington. She has sponsored the sale of salsa in her restaurants, and donates the proceeds to CASA. She calls it "Salsa For CASA". She talks about CASA at her place of business often, and distributes brochures at her restaurant as well. Becky has been a wonderful spokesperson for Monroe County CASA. Thanks for all your hard work, Becky!

Standing Toe-to-Toe For What is Right...

A Morgan County Success Story

Editor's Note: With the holidays coming up during this quarter, I thought that this story as told by Morgan County CASA Director Kelly Bray about an event that happened last Christmas involving a CASA child from her program was very appropriate. This is an example of the measures our advocates go to in standing up for their "kids".

By Kelly Bray

In June of 2001, Beverly was appointed as a CASA in Morgan County. In October of 2001, she was appointed to her first case. This case had been active in our county for quite some time. Upon looking at the depth of the file, you would think a brand new volunteer would be intimidated by the amount of information she was being given. The child had failed adoptions, failed foster care placements and has been in institutions for many years of his life. However, Beverly did not hesitate when I gave her the summary of the case and handed her the file. She immediately knew she wanted to meet the child.

Beverly had been very thorough in her research of the child's past and helps the service providers involved look forward into this child future. Beverly worked hard during the Summer of 2002 to have the child removed from his current placement facility. The following is just one example of why the CASA felt like the child was not in the most appropriate placement.

From a letter written by the CASA in October 2002 to the social service director of the facility she explains the following events: *In December 2001, the CASA accompanied a special group of young men from the Martinsville Demolay on a shopping spree for the child. Although they knew nothing about the young man, these boys had chosen her CASA child to buy Christmas for as a community service project. These young men handpicked each gift for the child. When they got to the checkout counter, the total of these gifts was more than the club had allotted. Rather than returning anything to the shelves, the CASA watched these boys search their pockets until they had enough money to pay for all the gifts they had selected. All they knew about the other child was that he was a young boy who had no one. And that was enough for them. It was extremely important to them that this child have a wonderful Christmas; just like the ones they would be having with their families. Beverly delivered the gifts to the child at his residential facility. After opening the gifts, the child's social worker took the items explaining they had to be processed before he could have them...*

In February 2002, the child told his CASA that he never received any of the Christmas gifts back from the social worker. The CASA had several telephone conversations with the social worker regarding this matter. She recalled the items being given to her by the child and the CASA, but did not recall processing them. She assured the CASA she would check to see if the items were still in processing. Throughout March and April 2002, the CASA made repeated requests to the social worker regarding these missing gifts. Each time she would tell the CASA that she was checking on the matter and that she would get back to her. Late in May 2002, the CASA contacted the replacement for the last social worker. She said she would check with the last social worker on the case about the matter. Still, no news was heard. Finally, in June while attending a celebration at the placement facility, the CASA saw the two social workers standing together and approached them to inquire about the whereabouts of the gifts. The first social worker admitted that she was at a loss as to what had happened to them after the CASA gave them to her in December. When the CASA attended a case review at the facility in June of 2002 with OFC, she again asked about the gifts. The social worker responded that they had not been able to find the items, and further stated that she was told the facility was having problems with theft of personal items. In mid-August, the child was placed in another facility, and Beverly felt she was still getting the "run around" as to the gifts belonging to her CASA. She had received a letter from the social service director at the facility. The director reminded the CASA that most all teens misplace or give away their possessions and sometimes forget doing so. Nonetheless, she told the CASA to provide a detailed list of the items and that "within reason", she would put the issue to rest. Beverly responded immediately, but to her dismay still heard nothing back from the facility when she came to her CASA director in late November of 2002 to discuss the issue. She agreed that sometimes kids misplace their things, but that she did not believe that to be the case in this instance. She went on to explain that on more than one occasion, the CASA child had asked her to tell the story again about the boys using their own money to make sure he could have the things they picked out for him. He would say, "I can't believe they would spend their money on me!"

By now, the CASA and her director were ready to approach the court on the matter, and worked to serve subpoenas on the social workers and the director of the facility for a hearing that was scheduled for the first week of December 2002. Ironically, when they served the subpoenas on November 27, they were informed that a purchase order was issued from the central office the day before for the full amount! Although the subpoenas were withdrawn, the court set a compliance hearing for December 16, 2002. On December 3, the CASA office received a check for the full amount requested. The CASA went shopping to replace the child's Christmas gifts from 2001 and labeled them herself before she presented them to the child. The CASA's tireless efforts certainly paid off; she was the squeaky wheel for her CASA child!

Lake County CASA Benefits From Art Auction

Coming into its 17th year as part of the Lake Superior Court, Juvenile Division, The Lake County CASA Program of Northwest Indiana in Crown Point has entered a new phase of its ever-expanding program development: fundraising. Established in late 2002, "Friends of the Lake County CASA" is a not-for-profit organization whose board is credited with hosting the "Children in Crisis" Fine Art Auction on September 21, 2003, benefiting over 2,500 children appointed to be represented by the Lake County CASA Program. Board member Dave Lasco provided a beautiful setting for the Sunday afternoon event in his new (not yet open to the public) Picasso's Restaurant in the Doubletree Lake Estates Clubhouse in Crown Point. The auction was attended by 200 and featured over 300 custom-framed original lithographs, serigraphs, seriolithographs and etchings celebrated by artists such as Chagall, Dali, Erte, Rembrandt, Miro, Picasso, Neiman, Tarkay and Max presented by Park West Gallery. The event offered guests an afternoon of gourmet hors d' oeuvres, fine beverages, beauty, entertainment and philanthropy. A professional auctioneer from the gallery provided a variety of fun-facts as well as historical information on the artists and their works. Program Director Elizabeth Tegarden joined the CASA staff, their families (male offspring in tuxedos), volunteers and board members in setting up art, greeting guests, moving countless pieces of art requested for auction, bidding on pieces, cleaning up, loading art, and in the end enjoying the great success of a job very well done for the benefit the thousands of child victims in Lake County. Thanks for your efforts!

Caring and Sharing

Grace Lutheran Preschool adopted the Floyd & Washington County CASA Programs as their charity for 2002/2003. Each child at the preschool decorated a potato chip can and saved pennies (mostly), dimes and change from September to February. The change was then collected at school. They raised \$2,811.65 and are shown above presenting us with the check on May 15, 2003.

Peyton's Pals

Child Advocates will be starting a new program, Peyton's Pals, in partnership with Peyton Manning and the PeyBack Foundation. In 1999, Indiana Colts quarterback Peyton Manning established the PeyBack Foundation to promote the future success of disadvantaged youth by assisting programs that provide leadership and growth opportunities for children at risk. Peyton Manning has been a dedicated and generous supporter of Child Advocates for many years.

Child Advocates has selected 20 children to participate in Peyton's Pals. The Peyback Foundation will sponsor a series of special events for the children, with at least one event per month. The purpose of the program is to provide monthly outings and activities to benefit at-risk children. The events will expose the children to a variety of educational, cultural and community service activities through the year. The children selected are all seventh and eighth graders. The program will also concentrate on living a healthy lifestyle and the danger of drugs and alcohol. The PeyBack Foundation will also sponsor meetings and seminars throughout the year for the children with guest speakers from all walks of life who will discuss their experiences.

HIPAA Hysteria!

What is HIPAA and why is everyone talking about it?? HIPAA is an acronym that stands for the Health Insurance Portability and Accountability Act of 1996. The law creates a comprehensive federal scheme for the use and disclosure of health information and provides individuals with rights to access their own health records. The United States Department of Health and Human Services (“HHS”) was authorized by Congress to develop regulations governing the implementation of HIPAA. These new regulations just went into effect on April 14, 2003, hence all the recent hype about HIPAA. One reason that health care providers are so concerned about HIPAA is that persons can file complaints with HHS for violations of the law and HHS can impose civil money penalties for failure to comply with HIPAA. In addition, a person who knowingly violates HIPAA can face substantial criminal penalties—a fine of \$50,000 and up to one-year imprisonment.

How do HIPAA and the new regulations impact the work of CASAs? The regulations are new and impose civil and criminal penalties. In addition, health care providers are still learning what is required of them under the regulations, what records they can release, to whom and under what circumstances. As a result, health care providers covered by HIPAA are being very cautious about releasing “protected health information” covered by HIPAA. In other words, whereas previously, you might have been able to obtain medical records by simply showing the health care provider your order of appointment, or a general order allowing you access to “records,” it will not be as easy to obtain medical information now.

What is “protected health information” and what can the CASA do to obtain it, if needed for a case in which he/she is appointed? Protected health information is all individually identifiable health information maintained in any form (electronic, paper, or oral). In essence, “protected health information” is any health information created, known or received by an entity covered by HIPAA that relates to the past, present or future physical or mental condition of the patient and that identifies the individual. HIPAA prohibits the disclosure or release of protected health information to anyone outside the entity holding the information, except under certain, limited circumstances.

Generally, for purposes of CASAs, there are three ways in which protected health information can be obtained.

The first and best way for the CASA to get access to protected health information is to attempt to get an authorization to release the records from the person whose records the CASA is seeking to obtain. This is the best way to obtain protected health information because there is little room for objection down the road if the person has authorized the release of the records, and, thus, less chance for reversal of the case on appeal. However, the standard authorization to release of records form you used previously will not work to obtain protected health information protected by HIPAA.

The HIPAA regulations have very specific guidelines about what must be contained in the authorization in order for it to be valid. I have articles that discuss the authorization and what is required to be included as well as sample authorization forms. However, most health care providers prefer or may insist that you use their authorization form that they have created instead of one from anywhere else. The health care providers know that their authorization forms are approved by their hospital, board, legal department, etc., and comply with HIPAA, so they will probably be more comfortable, and in fact, may well insist, on using their form rather than any form CASA develops. Therefore, your first step should be to contact the health care provider

that you want to obtain records from and ask them their requirements for disclosing medical records. Ask the provider if they have a specific authorization to release records (sometimes also called a consent to release records) form that you should use to obtain records from them. Most health care providers will provide you with a form to use to obtain the patient's authorization/consent.

If you cannot obtain the authorization/consent of the person for their protected health information, you have two choices. You can ask the court for an order requiring the release of the records or you can have an attorney subpoena the records. Again, your standard court order that may have worked previously to get medical records released to you probably will not work now. Instead, the court order will probably need to specifically state that the court is ordering the release of "protected health information as defined by HIPAA" from _____ (the specific provider) to CASA for use in a pending civil matter before the court. From what I have learned from some health care attorneys I have worked with on this issue, they feel it is imperative for the court order to specifically mention "protected health information" under HIPAA, and the name of the specific provider to whom it is directed, rather than a general order that does not name the specific provider.

The health care attorneys have also advised me that the specific protected health information that you are requesting needs to be specified. In other words, the order may not be able to say "any and all medical records." Instead, the order may need to specifically state that you are requesting medical records from certain dates, or pertaining to certain medical issues. The reason for this is language in HIPAA that states that under certain circumstances, health care providers must make reasonable efforts to disclose only the minimum amount of protected health information needed to accomplish the intended purpose of the request. (Although the "minimum necessary" rule may not apply when protected health information is being released pursuant to a court order, providers may not realize this.) However, you will need to work with the health care providers in your community to determine how particular they are about what needs to be contained in the court order.

It is important to note that a court order alone is not sufficient to obtain the release of certain medical records without a person's authorization or consent. Under Indiana and federal laws, a court cannot simply order the release of confidential mental health and drug and alcohol records without a person's consent. Instead, the court is required to hold a hearing and make a determination that there is good cause to release the records without the person's consent.

Finally, protected health information can be obtained by way of a subpoena. If the subpoena is actually signed by the judge, no further action is required. However, most civil subpoenas are usually signed by an attorney. In order to obtain protected health information with a subpoena or discovery request by an attorney, HIPAA requires that certain assurances regarding notice to the individual or a protective order are provided. I have information on what additional assurances are required and can provide it to your attorney if needed to obtain information protected by HIPAA with a subpoena.

There are many helpful websites about HIPAA that you can look at if you want more information. I also have many articles, forms, and summaries of HIPAA as well and can provide that to any programs that need additional information. Some of the better websites that I came across about HIPAA are:

www.hhs.gov/ocr/hipaa
www.cms.hhs.gov

www.healthprivacy.org
www.hrsa.gov/website.htm

National CASA Self-Assessment, Round 2

From the Desk of Indiana State Director, Leslie S. Rogers

As you may know, we are nearing the end of the first wave of the National CASA self-assessment process. The brave and dedicated, pioneer counties who participated in the first wave of the self-assessment are: Tippecanoe, St. Joseph, LaPorte, Allen, CASA of East Central Indiana, Kosciusko, Marion, Fayette, Gibson, Monroe and CASA of South Central Indiana. These counties have worked extremely hard to pave the way to make the process easier for the counties in later waves of the self-assessment. They have developed forms, revised policies, and have spent a lot of time going through the assessment. I am very grateful for the dedication and support of the directors in these counties!

We have developed our ideal rollout schedule for the remaining counties who will participate in the self-assessment. The second wave will begin February 1, 2004 and go until June 1, 2004. Unlike the first wave, the second, third and fourth wave programs will have four months, instead of six months, to complete the assessment because the self-assessment is available now and programs can start working on it anytime. All programs that are currently members of National CASA will need to complete the self-assessment in order to maintain their membership with National CASA. Also, any new (or not so new!) programs that want to be National CASA members will also have to complete the self-assessment. Programs who are not members of National CASA cannot use COMET, the National CASA training materials or the logo. We will be contacting all the remaining programs that are currently National CASA members (including provisional members) in the next few weeks to let you know when we have scheduled you to participate in the self-assessment (ie-the second, third or fourth waves).

I would encourage all programs to review the self-assessment now to determine where your program stands with respect to the national standards. Information about the standards and the self-assessment document is available on the National CASA website under "National CASA Standards for Programs." I would especially urge you to begin to look at the "Indicators of Compliance," which are the documents (policies, etc.) that you have to have in place in your program to pass the self-assessment and that will have to be sent in to National CASA with your self-assessment. The counties in the first wave have told me that getting the required policies, documents, etc. gathered, created and revised takes the most time. Since the assessment tool and samples of all the required indicators of compliance are available now on the National CASA website, I would encourage all the remaining programs to begin the process as soon as possible. We also have samples of volunteer policies, and the other documents required from the programs in the first wave that we will be glad to share with everyone.

The program standards will hopefully encourage all Indiana GAL/CASA programs to achieve their greatest potential and deliver high quality advocacy on behalf of the children they serve. The standards will also promote greater consistency and improve professionalism of CASA programs across Indiana. Those programs that meet the national standards will automatically meet the Indiana program standards, and no additional certification will be necessary. The programs that are not members of National CASA and/or do not meet the national standards should, at a minimum, comply with the Indiana standards. The Standards and Certification Committee is in the process of revising the Indiana state standards and we will be sending the revised standards out to the network after they are approved by the Supreme Court Advisory Commission on GAL/CASA. I will want to meet with the programs that are not members of National CASA and that are not going to apply for membership regarding their programs compliance with Indiana's standards.

If you have any questions about the National CASA self-assessment or the Indiana standards, please call Teresa or me. I also have many useful hand-outs that you can use with your boards, judges, etc. that explain the self-assessment process, why it is valuable, etc. I will forward these documents to you with the letter about the rollout schedule.